

ISW
AR



MS APPEAL BRIEF - PATENTS
PATENT
1794-0141P

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of Yoshinobu AOYAGI ET AL. Before the Board of Appeals
Appeal No.:

Appl. No.: 09/941,612 Group: 1765
Filed: August 30, 2001 Examiner: M. Song
Conf.: 6758
For: IMPURITY DOPING METHOD FOR
SEMICONDUCTOR AS WELL AS SYSTEM
THEREFOR AND SEMICONDUCTOR MATERIALS
PREPARED THEREBY

REPLY BRIEF TRANSMITTAL FORM

MS APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 4, 2005

Sir:

Transmitted herewith is a Reply Brief on behalf of the appellants in connection with the above-identified application.

☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The Examiner's Answer was mailed on March 3, 2005.

☐ An extension of time under 37 C.F.R. § 1.136(b) to was requested on and was approved on .

☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  _____
Joe McKinney Muncy, #32,334

KM/RFG/njp
1794-0141P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s)



PATENT
1794-0141P

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANTS: Yoshinobu AOYAGI et al. CONF.: 6758
APPL. NO.: 09/941,612 GROUP: 1765
FILED: August 30, 2001 EXAMINER: SONG, M.
FOR: IMPURITY DOPING METHOD FOR SEMICONDUCTOR
AS WELL AS SYSTEM THEREFOR AND SEMICONDUCTOR
MATERIALS PREPARED THEREBY

REPLY BRIEF UNDER 37 CFR 41.41

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 4, 2005

Sir:

This Reply Brief is respectfully submitted on behalf of the Appellants in regard to the above-identified application. This Reply Brief is in reply to the Examiner's Answer dated March 3, 2005. This Examiner's Answer replaces an earlier Examiner's Answer dated January 10, 2005. Appellants' attorney notified the Examiner of certain deficiencies in the Examiner's Answer in a telephone call on January 26, 2005. As a result, the Examiner sent a new Examiner's Answer to replace the original Examiner's Answer. A telephone call was placed to Examiner Song on March 8, 2005 to verify that the date for the Reply Brief was based on the new mailing date of the Examiner's Answer. The Examiner indicated that the current date of reply is April 4, 2005. Appellants

submit that the correct date should be two months from the mailing date of the Examiner's Answer which would be May 3, 2005.

In the telephone call of January 26, 2005, Appellants' attorney pointed out to the Examiner that the rules relating to appeals had been changed and that the requirement for the grouping of claims had been removed. Appellants note that page 2 of the Examiner's Answer is still incorrect in this regard since it includes a paragraph labeled "(7) Grouping of Claims." This paragraph also refers to 37 CFR 1.192(c)(7). Appellants again note that this rule has been removed and that the requirement for claim grouping has likewise been removed.

The Examiner stated on page 5 of the Examiner's Answer in the only complete paragraph on that page, that Appellants have admitted that the activation energy is decreased so carrier concentration is increased as a result of forming impurity pairs. The Examiner refers to page 19, lines 11-17 of the Reply filed on August 25, 2003. This paragraph clearly refers to the present invention since it refers to claim 21 and the result of the formation of the pairs according to the claim. This is a statement of the result of the present invention and not a general statement. Accordingly, Appellants submit that the Examiner's statement of an admission is incorrect.

In the paragraph bridging pages 6 and 7 of the Examiner's Answer, the Examiner discusses the two references relied on as evidence of inherency. The

Examiner stated that Appellants' arguments are based only on semantics because the reference was not included in the heading of the rejection. Appellants submit that this is not a case of semantics, but rather a question of how many references are being included in the rejection. That is, is this rejection over a combination of two references or a rejection over a combination of four references? Since the answer greatly affects the obviousness of the combination, Appellants submit that this is not merely a question of semantics.

With regard to the listed prior art of record at the top of page 3 of the Examiner's Answer, it is noted that the Examiner has not included U.S. Patent 6,472,690 to Manabe et al. which was applied against claims 21 and 33-36 nor has he included U.S. Patent 5,231,298 to Daly, which was applied against claim 32.

Appellants further note that the Examiner has not responded to the arguments concerning a number of the claims. In particular, Appellants see no comment regarding independent claim 21. Also, there is no comment regarding independent claims 4 and 5 which were discussed on page 14 of the Appeal Brief.

In view of the above, Appellants submit that the Examiner's rejections are in error and request that the Examiner's rejection be removed and the application allowed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: _____

Joe McKinney Muncy

Reg. No. 32,334

P.O. Box 747

Falls Church, Virginia 22040-07047

703-205-8000

km KM/RFG/njp